

CITY COUNCIL RESOLUTION 18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DENYING AN APPEAL THEREBY UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY MASTER PLAN 00645299-PMP FOR DEVELOPMENT OF A 46,800-SQUARE-FOOT MEDICAL OFFICE BUILDING LOCATED AT 2 OSBORN IN PLANNING AREA 15 (WOODBIDGE), FILED BY STERLING AMERICA INVESTMENTS, INC.

WHEREAS, Sterling America Investments Inc. has submitted Master Plan 00645299-PMP application for the development of a 46,800-square-foot medical office building expansion from its existing 16,015-square-foot medical office use; and

WHEREAS, Master Plan 00645299-PMP is proposed on property that is designated Multi-Use in the Irvine General Plan Land Use Element and 3.1 Multi-Use Zoning Ordinance in Woodbridge in Planning Area 15 (PA 15); and

WHEREAS, the City of Irvine General Plan and Zoning Ordinance establishes maximum intensity caps for development in the Multi-Use designations of PA 15; and

WHEREAS, there is no remaining intensity available in the Multi-Use designations established in the General Plan and the Zoning Ordinance for PA 15; and

WHEREAS, the proposed Master Plan 00645299-PMP is not consistent with the City's General Plan and the Irvine Zoning Ordinance because the project as designed exceeds the maximum intensity caps established for development in the Multi-Use designations of PA 15; and

WHEREAS, independent of the above-noted inconsistency with the General Plan's and Zoning Ordinance's intensity caps, proposed Zone Change 00600175-PZC is not consistent with other goals, objectives, and policies found in the General Plan and would be detrimental to the public health, safety, and welfare; and

WHEREAS, the denial of the subject Master Plan 00645299-PMP is exempt from consideration under Section 15270 California Environmental Quality Act (CEQA) Guidelines, which are set forth in Title 14 to the California Code of Regulations; and

WHEREAS, the Planning Commission of the City of Irvine reviewed the subject application at a duly-noticed public hearing held on August 16, 2018 and, by a 5-0 vote, denied Master Plan 00645299-PMP; and

WHEREAS, the applicant filed an appeal of the Planning Commission's denial of Master Plan 00645299-PMP on August 20, 2018; and

WHEREAS, the City Council of the City of Irvine considered information presented by the applicant, the Community Development Department, and other interested parties at a duly-noticed public hearing held on September 12, 2018; and

WHEREAS, the City Council may either affirm, reverse or modify the Planning Commission's decision; and

WHEREAS, the City Council's decision on an appeal shall be final.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. That findings (A), (B), and (C) required to be made by the City Council for the approval of a master plan, as set forth by Section 2-17-7 of the City of Irvine Zoning Ordinance, have **not** been made as follows:

- A. The proposed Master Plan is consistent with the City of Irvine General Plan.

Absent approval of a General Plan Amendment and Zone Change, the project is not consistent with the Irvine General Plan because the project exceeds General Plan Table A-1 Maximum Intensity Standards and the Zoning Ordinance Section 9-15-3's statistical analysis table established for the land use and zoning designations by more than 30,000 square feet.

In addition (and independent of the intensity cap issue noted above), the project is not consistent with certain goals, objectives and policies found in the Irvine General Plan. For example, the proposed project is not consistent with Element A – Land Use, which seeks to protect and enhance the quality of life in the community. General Plan Objective A-1 City Identity (in particular, Policy (b)), Objective A-4 Balanced Land Uses (in particular, Policies (c) and (g)), and Objective A-6 Land Use Compatibility (in particular, Policy (a)) seek to preserve Irvine's identity and maintain balanced and harmonious land use patterns to manage growth throughout the City.

The project is a departure from the existing community character and values that Woodbridge is known for. The increase from a single story building to a highly visible three-story building mass along a thoroughfare will have an adverse visual impact on the community. The existing character along the activity corridor will be altered as the proposed building will be one of the tallest and longest buildings in the immediate area. Other buildings of similar height in the area are setback substantially from Barranca Parkway.

Woodbridge is an established and mature community that has reached the maximum intensity caps established for the land use designation and planning

area. The portion of Barranca Parkway between Culver Drive and Jeffrey Road is an activity corridor node that offers neighborhood services ranging from church, school, office, medical, and retail uses to support the surrounding residents. The planning area is already served by 300,554 square feet of existing medical offices. Therefore, this finding cannot be made.

- B. The proposed Master Plan is consistent with the City's zoning ordinance.

The project is inconsistent with the Zoning Ordinance as it exceeds the maximum intensity standards established for the land use designation. The purpose of the zoning ordinance is to (among other things) ensure that development within the City is consistent with the City's General Plan and the land use allocations and development intensities contained in the General Plan Land Use Element. While medical office uses are conditionally permitted within the 3.1 Multi-Use zoning district subject to granting of a Master Plan per Section 2-17-2, the City's General Plan and Zoning Ordinance limit the total number of development intensity in the Multi-Use designation of PA 15. There is no remaining intensity available in the Multi-Use designations established in the General Plan and the Zoning Ordinance for PA 15. Therefore, this finding cannot be made.

- C. The proposed Master Plan is in the best interests of the public health, safety or welfare of the community.

The Master Plan requests for development of a 46,800-square-foot medical office — an expansion of the existing 16,015 square feet medical office use on a 2.86-acre site. The proposed development is an infill project surrounded by existing sensitive land uses including attached and detached residential homes, senior living, and a K-12 private school. Nearby sensitive land uses include a private K-12 and senior housing facility that are located along Osborn street. With the introduction of more intensity to the project site, conflicts between vehicular traffic generated by the project and pedestrian traffic from existing sensitive land uses are anticipated to occur.

The project also introduces increased building height and a larger footprint along Barranca Parkway that will change the existing character along the activity corridor as one of the tallest and longest buildings in the immediate area. The increase from a single story building to a highly visible three-story building mass along a thoroughfare will have an adverse visual impact on the community. The planning area is already served by 300,554 square feet of existing medical offices.

For each of these reasons, the proposed project would not be in the best interests of the public health, safety and welfare of the community, and support for this finding cannot be made.

- D. The proposed Master Plan complies with all applicable requirements set forth within Division 8 pertaining to the dedication of permanent open space through a phased dedication implementation program for affected planning areas and zoning districts.

This project is not required to dedicate open space because it is located outside an affected open space implementation district; therefore, this finding does not apply.

- E. If the proposed Master Plan affects land located within the coastal zone, the proposed Master Plan will comply with the provisions of the land use plan of the certified local coastal program.

The proposed project is not located within the coastal zone; therefore, this finding does not apply.

- F. In Planning Area 30, the proposed Master Plan provides for compatibility between existing and future uses within the City of Irvine, to the extent those uses are known.

The proposed project is not located within Planning Area 30; therefore, this finding does not apply.

SECTION 3. The City Council hereby finds by a preponderance of the evidence in the record that the proposed project does not comply with applicable, objective general plan and zoning standards and criteria that were in effect at the time that the proposed project's application was determined to be complete. As discussed above, the City of Irvine General Plan and Zoning Ordinance development intensity caps in Planning Area 15 has been met. There is no remaining intensity available in the 3.1 Multi-Use land use designation in Planning Area 15. The project as designed exceeds the maximum intensity caps established for development in the Multi-Use designations of Planning Area 15. The project is, therefore, inconsistent with applicable and objective General Plan and Zoning Ordinance standards.

In addition (and independent of the intensity cap issue noted above), The City Council hereby finds that the proposed project is not consistent with other goals, objectives and policies found in the Irvine General Plan and would not be in the best interests of the public health, safety or welfare of the community.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular, meeting held on the 12th day of September, 2018.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 12th day of September, 2018.

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE